

You Failed Your Enhanced Leak Detection - What Next

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Outline

- Enhanced Leak Detection
- Response to Failed ELD Tests
 - Investigation Orders

Salad Course



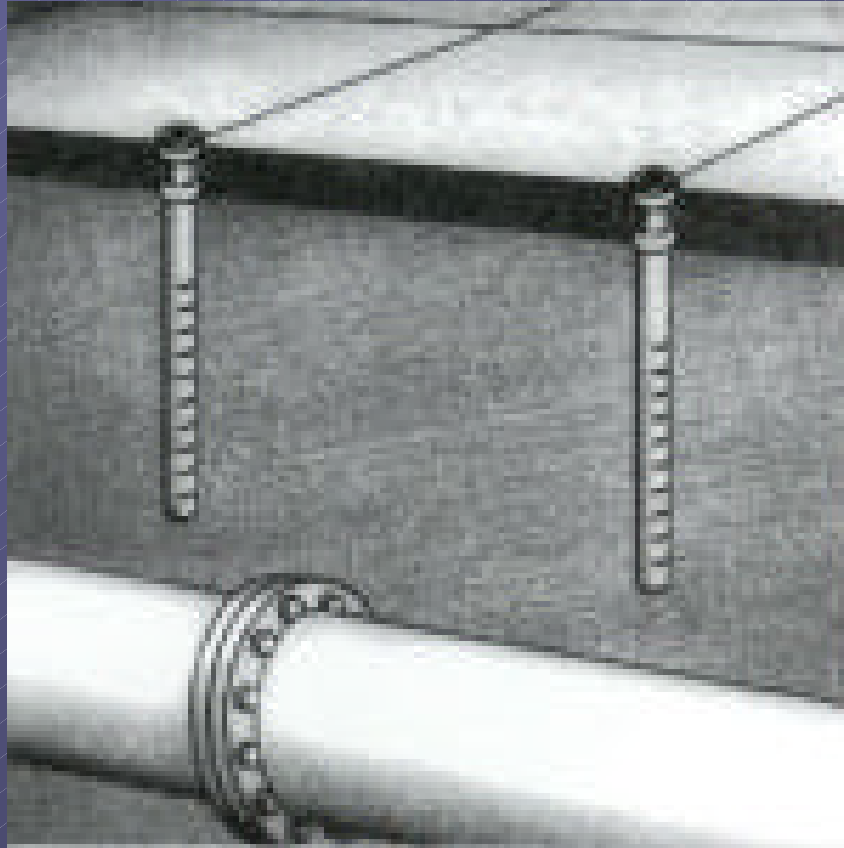
What is an ELD Test

- Title 23 § 2644.1
- Detect Vapor and Liquid Releases
- Leak Rate at least 0.005 gph
- 95% Probability of Detection
- 5% False Alarms

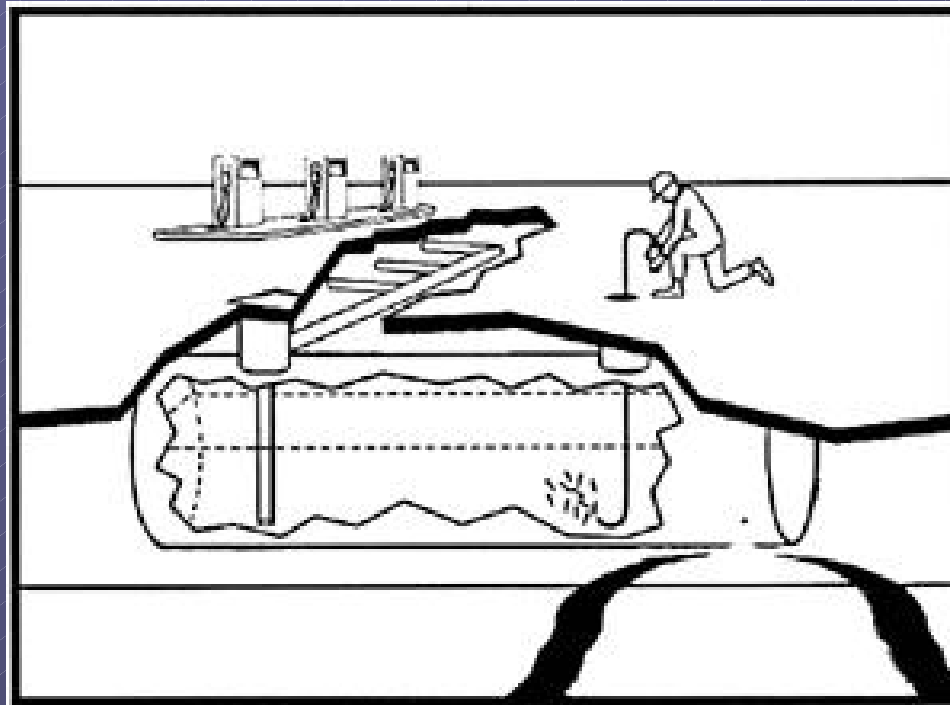
How is it done?



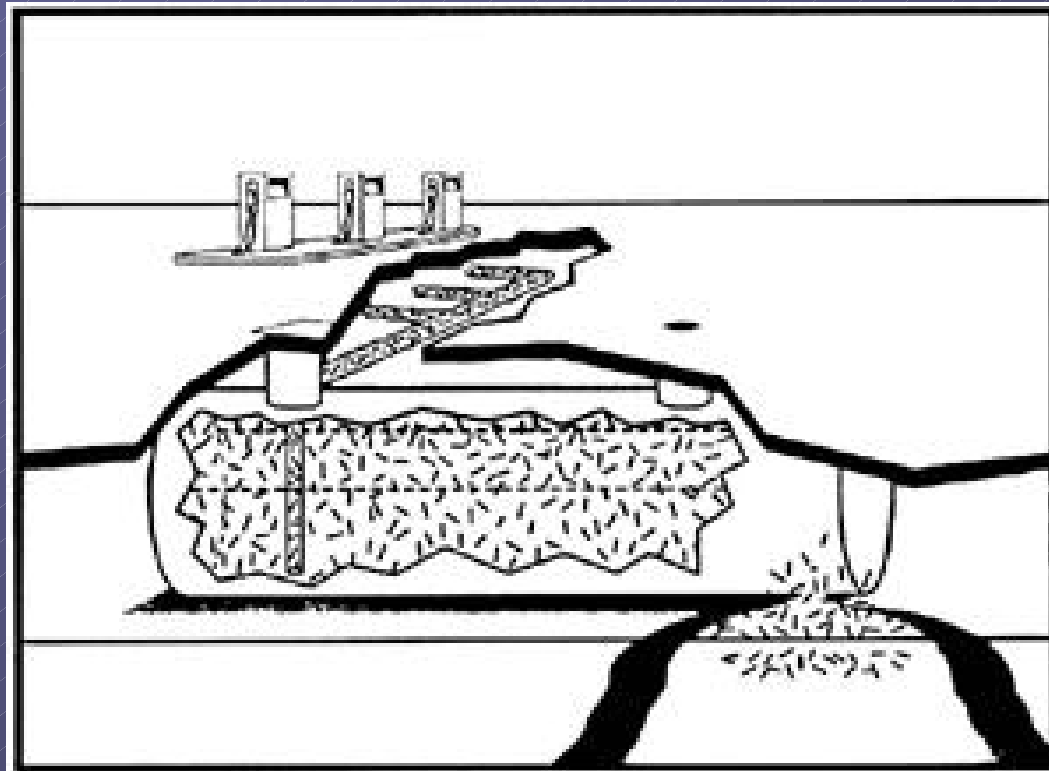
Step 1 - Install Vapor Probes



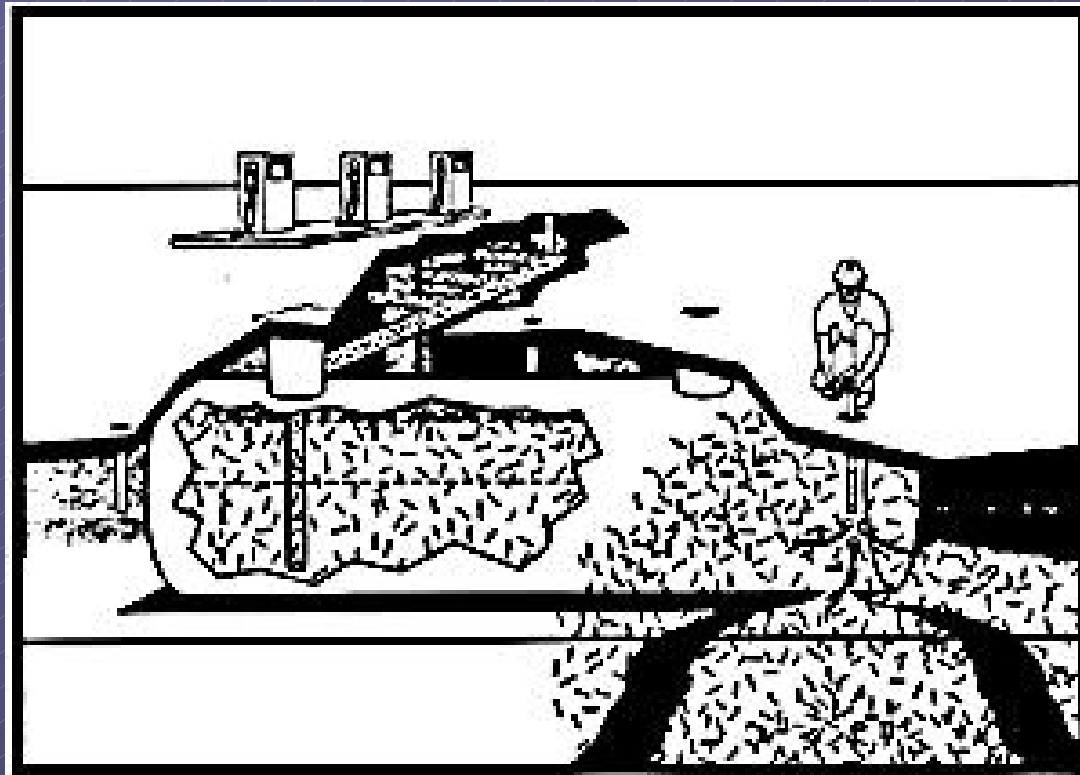
Step 2 - Add Tracer to UST



Step 3 - Let Tracer Migrate



Step 4 - Collect Soil Gas Samples



Why is it done?



H&S Code § 25292.5 (Frommer Bill)

- USTs within 1,000 feet of Public Drinking Well
- Test UST System using ELD by Jan. 2005
- If Leaking Liquid or Vapor, Fix and Retest

Known UST Release Case

- Monitoring Data Suggests New Release
- Those Funny Peaks in Chemical Data

Investigate Suspected Release

- Areas of Active Groundwater Use
- Distance to Receptors
- Basin Wide Contamination

How do you fail?



What does failure mean?

- **Tracer has escaped from the UST system.**
- **This is considered an unauthorized release.**

● **Data Results**

- Reported Tracer Concentrations
- Reported TVHC Concentrations

● **Narrative**

- Significant Release
- Intermediate Release
- Low Levels
- No Tracer Detected

Main Course



What will we do?



Tank Reg. Requirements

H & S Code § 25292.5(c)

- Fix Leak
- Retest until system passes ELD test

Red Tag Authority

H & S Code § 25292.3

- Significant Violation that Poses Imminent Threat
- Local Agency may Affix Red Tag to Fill Pipe
- 7 Days to Fix Violation
- Red Tag in Plain View
- Cannot Use UST

Known UST Release Case

- Modify Site Conceptual Model
- Verify Model
- Modify Cleanup Activity

New UST Release Case

- Conduct Investigation



Investigation Order

CWC § 13267

- Discharges and Suspected Discharges
- Investigate the Quality of Waters of the State
- Technical Reports

Investigation Order

CWC § 13267

- Burden, Including Costs, Shall Bear a Reasonable Relationship to the Need and Benefits
- Provide Written Explanation for Need of Report and Identify Evidence

Need of Report Potential Groundwater Impacts

- Failed ELD Test is an Unauthorized Release
- Vapor Releases can Impact Groundwater Quality
- Groundwater Needs to be Protected

Benefit of Report Protect and Enhance Groundwater Quality

- Beneficial Groundwater Use
- Actual and Projected Groundwater Use
- Distance to Receptors
- Initial ELD Test Results
- **HYDROGEOLOGY**
- **GEOLOGY RULES!**



Cost

- Cost of Protecting Groundwater
- Regs Require Cleanup of Releases
- Reimbursement Fund

Required Technical Reports

- Preliminary Site Conceptual Model
- Workplan to Conduct a Soil and Groundwater Investigation
- Technical Report of a Soil and Groundwater Investigation

BEWARE

- **FAILURE TO COMPLY WITH ORDER
MAY SUBJECT DISCHARGER TO
FURTHER ENFORCEMENT ACTION,
INCLUDING ADMINISTRATIVE
ASSESSMENT OF CIVIL LIABILITY OF
UP TO \$1,000 PER DAY**

Dessert



Hints on Compliance with Investigative Orders

Enforcement Actions

- Notice of Violation
- Administrative Civil Liability

Non Compliance

- Late Report
- No Report
- Inadequate Report

Request a Hearing

Scope of Work and Deadlines

- Regulator/Discharger/Consultant Partnership
- LET US KNOW
- But, be Quick About It

For More Information

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